

**MINUTES OF THE PLANNING AND ZONING COMMISSION REGULAR MEETING  
HELD JUNE 20, 2007, 7:30 P.M. AT THE CITY COUNCIL CHAMBERS 18649 FM 1431,  
JONESTOWN, TEXAS**

**A. ITEMS OPENING MEETING:**

**1. CALL TO ORDER**

**CHAIRMAN MOORE**

Chairman Moore called the meeting to order at 7:34 p.m.

**2. ROLL CALL**

**SECRETARY**

The following members were present: Larry Oaks, Alan Yost, Robert Moore, Tricia Anglea and David Nelsen. A quorum was present.

**3. APPROVAL OF MINUTES**

Regular Meeting, May 16, 2007

Commissioner Yost made a correction to the minutes from May 16<sup>th</sup>, on page 5, at the beginning of the second line in the fifth paragraph to change the word Alderman to Commissioner, and insert the time of adjournment at 10:40 p.m. He then made a motion to approve the minutes from May 16<sup>th</sup>, as corrected. Chairman Moore seconded the motion, which carried unanimously.

**B. CITIZENS COMMUNICATIONS**

Mayor Deane Armstrong spoke to the Commission to express her appreciation of the Commission's work and that good communication needs to be established with the Commission and the committees that are being appointed to negotiate development agreements with developers. She is including Chairman Moore in the committee that will be meeting with Mr. Shipley on a new development.

Jim Conatser gave his opinion that TIAs are considered too late in the development process to be effective.

**C. GENERAL BUSINESS AND ACTION ITEMS:**

1. Discussion and possible action on recommendation to City Council concerning a request by Keith Kelly for a final plat of Kellywood Estates Subdivision, located in the 18000 block of Reed Parks Road.

Keith Kelly was present to answer any questions concerning his development. Chairman Moore was concerned about some of the technical components of the final plat, what the surveyor's standards are and whether or not the Commission should set standards above what the subdivision regulations state. Mayor David Deeds asked about the location of the subdivision, whether it is in the ETJ or city limits: Annexation will be final on June 28<sup>th</sup>.

Commissioner Yost made a motion to recommend to City Council approval of a request by Keith Kelly for a final plat of Kellywood Estates Subdivision, located in the 18000 block of Reed Parks Road, conditional on adjustments made to follow any required legend and format standards, including making sure that you are not using the same line for two different things. Commissioner Oaks seconded the motion, which carried unanimously.

- 2 a. Public hearing to consider a request from Sean Waggoner for a conditional use permit for the residence on Lot 61, Retirement Village No. 2, at 17903 Cross Street, presently zoned R-1, to be used as a short term rental.

Valarie Waggoner was present to discuss the request. Commissioner Yost asked Ms. Waggoner how she will manage the rentals and what rental agreement she will use. She stated that she has employed Lago Vista Rentals to manage the property and will use the standard rental agreement. Commissioner Nelsen asked about the screening process for potential renters and this was discussed. Chairman Moore asked about written requirements to be presented to the renters, and Ms. Waggoner said that she has none beyond the requirements of the city's ordinances. There was a discussion on the need for written regulations for the renters.

Mayor Deane Armstrong, who resides in the area, spoke in opposition to the request voicing her concerns that if this request is granted, there are others in the same immediate location that will expect to do the same thing. She was also concerned about the parking and the location in a narrow section of the lake.

Parking spaces were discussed with the maximum being seven and normal being four.

Mayor David Deeds, who also resides in the neighborhood, expressed his concern based on previous experience with a similar situation with noise and rowdy people on Easy Street. He was also concerned with the renters not being familiar with the lake and the city's rules for boating in that area, not wanting to stir up another controversy concerning a no-wake zone.

Marjorie Wineinger, an adjoining property owner, spoke in opposition to the conditional use permit because of the probability of traffic, noise, and trash which would detract from hers and her neighbors' quality of life. Marlin Coplin, who was a previous owner and built the home, also spoke in opposition. He said the home has 108 steps and several high decks, which he said could be a safety risk to short term renters; and the house has sleeping capacity for many people, but little parking space. His sister owns property across the street and they both fear this use would lower everyone's property value and is not an appropriate location for short term rental.

Donna Jo Priem, who owns lakeside property on the Sandy Creek Arm, also spoke in opposition based on the probable addition to the boat traffic with people who would not be familiar with the rules in that narrow part of the lake, and would add to the boat dock damage and bank erosion.

Chairman Moore closed the public hearing.

b. Discussion and possible action on recommendation to City Council of the above proposed amendment.

Chairman Moore stated that he would hate to recommend approval without a document in hand stating strict regulations, but believes that this area is not conducive to short term rentals.

Commissioner Oaks gave his opinion that, although the applicant has a right to use her property, the other property owners also have a right to expect single family residential usage in their neighborhood instead of rentals. He added that there are other areas in Jonestown and Lago Vista that would be good investments in areas that were appropriate for short term rentals.

Commissioner Yost stated he would rather see a specific rental agreement addressing what rules are going to be enforced by the owner instead of a general rental agreement, and which addresses the specific concerns at this location. He said that each location has to be judged on its own merits.

Commissioner Anglea was in favor of granting the permit based on the city's regulations and rescind it if there are any complaints.

Commissioner Nelsen thought that the law allows it and the owner has a right to ask for it if the conditions were specific enough, with a plan for control and enforcement, although he doesn't like the idea of rentals in a residential neighborhood, but the permit could be rescinded if abused.

There ensued a discussion among the Commission and included Alderman Joe Aaron, who was in the audience, about what the code allows, the pros and cons of short term rentals in residential areas and the issues surrounding the issuance of this kind of permit.

Commissioner Yost made a motion to table the request until the next regular Planning and Zoning Commission meeting on July 18<sup>th</sup>, so that the requestors may present to the Commission, a rental agreement that contains relevant short term rental requirements and lake rules to satisfy the neighborhood concerns. Chairman Moore seconded the motion. Commissioner Oaks abstained and all others voted in favor of the motion, which carried 4 to 1.

Commissioner Nelsen recommended to the applicant that she work with the neighborhood. Chairman Moore advised her that if 20% of the adjoining property owners object, the commission needs a super majority to override the property owners. And if the commission recommends disapproval, the council needs a supermajority to override the commission.

3. a. Public hearing to consider a request by the Volente Group of Texas for approval of a preliminary plat for 122 single-family residential lots (Garden Homes) called Sandy Shores on 62.983 acres located on East Reed Parks Road, at FM 1431.

Aaron Pesek and John Shipley discussed the plat with the Commission. David Deeds and Jim Conatser asked questions. Chairman Moore closed the public hearing.

- b. Discussion and possible action on recommendation to City Council of the above proposed amendment.

After further discussion, Commissioner Anglea made a motion to recommend to City Council approval of the request by the Volente Group of Texas for approval of a preliminary plat for 122 single-family residential lots (Garden Homes) called Sandy Shores on 62.983 acres located on East Reed Parks Road, at FM 1431. Commissioner Oaks seconded the motion. Commissioner Nelsen voted no, with all others voting for the motion. The motion carried 4 to 1.

Commissioner Nelsen objected to the design of the plat because of the higher density and the lack of commercial uses. Commissioner Anglea wanted to have more commercial in developments to take the pressure off of residential. Chairman Moore expressed his views that the development does represent good planning according to the comprehensive plan.

#### **D. ADJOURNMENT**

Commissioner Oaks made a motion to adjourn, seconded by Chairman Moore. The motion carried unanimously and Chairman Moore adjourned the meeting at 9:22 p.m.

**PASSED AND APPROVED AT A MEETING ON JULY 18<sup>th</sup>, 2007.**

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**Robert Moore, Chairman  
Planning and Zoning Commission**

**ATTEST:**

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**Linda Hambrick, City Secretary**